IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.3122 of 2008
RANJEET RAI & ANR
Versus
STATE OF BIHAR
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3 8.5.2008 The petitioners who are F.I.R. named accused in Lalganj P.S.Case No.208 of 2007, registered under Sections-506, 364/34 I.P.C. are apprehensive of their arrest in connection therewith and have prayed for anticipatory bail.

According to the prosecution case, when the son of the complainant/informant , who had gone to the market and did not return home , a search was made for him and in course thereof certain villagers gave out that at around 8.00 P.M. they had seen the son of the informant talking to the accused persons near the Post Office Chowk, whereupon the informant suspecting foul play went to the house of the accused with whom there had been differences and as a result whereof they were likely to kidnap his son . But on enquiry no information could be gathered about his son from the houses of the accused persons. On such behavior , the informant presumed that his son had been kidnapped by the accused persons and killed and now they were not ready to disclose anything.

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It appears from the impugned order of the Sessions Court that in his further statement in paragraph-4 , the informant and other witnesses in paragraph nos.5 to 8 of the case diary had levelled specific allegations of overt act against these petitioners of kidnapping the son of the informant and the investigation was still going on.

Due regard being had to the situation and in view of the fact that the investigation was still going on, I am not inclined to extend the benefit of Section-438 Cr.P.C. to the petitioners,.Their prayer for anticipatory bail is, accordingly, rejected.

(Abhijit Sinha, J)

NKS/-

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